



NEW YORK BOSTON
www.psfir.com

POLLACK SOLOMON DUFFY LLP
48 Wall Street, 31st Floor New York, NY 10005
617-439-9800
prakhunov@psdfirm.com

November 15, 2023

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Case No. 22-cv-05276-PAE
Letter Motion to Quash Bank of America Subpoena

Dear Judge Engelmayer:

This firm represents Rock Fintek LLC. Pursuant to Fed. R. Civ. P. 45(5) and Paragraph 2C of Your Honor's individual practices, Rock Fintek respectfully requests that this court quash JNS Capital Holdings LLC's subpoena dated October 31, 2023, directed to Bank of America in relation to Rock Fintek's Bank Records, which seeks:

All account records for an entity known as Rock Fintek, LLC including bank statements, wire transfer records, cancelled checks, deposited checks and correspondence. Specifically included is account number ***9205 along with any other accounts affiliated with Rock Fintek LLC or *any member thereof including Thomas Kato* from March 1, 2020 to the present.

See Exhibit A (emphasis added). Pursuant to Your Honor's Order (ECF No. 116), Rock Fintek produced full and unredacted copies of its pertinent bank records on November 7, 2023. JNS is therefore already in possession of all pertinent bank records, and allowing the additional production from Bank of America, including for any personal bank accounts of Thomas Kato that have not even been sought in discovery in this case would be an unreasonable, overbroad and improper invasion of privacy with no cognizable relevance in this matter.

In meet and confer efforts, counsel for JNS Capital Holdings LLC has told the undersigned that he has *not yet reviewed Rock Fintek's bank records production* and is therefore not willing to withdraw this subpoena. Counsel for Bank of America has contacted the undersigned and advised us that unless an objection is filed today, they would have no choice but to comply with the subpoena.

Accordingly, Rock Fintek respectfully requests that the Court quash JNS's subpoena in relation to Rock Fintek's Bank Records, which Rock Fintek has already produced.

Respectfully submitted,

/s/ Phillip Rakhunov

Phillip Rakhunov

cc: All counsel (via ECF)

The Court has considered this letter and the response by JNS Capital Holdings LLC and Joel Stern. *See* Dkt. 121. The Court denies the motion to quash the subpoena.

SO ORDERED.



PAUL A. ENGELMAYER

United States District Judge

Dated November 17, 2023